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Re:

Draft Focused Feasibility Study Comments

North Hollywood Operable Unit

San Fernando Valley Area 1 Superfund Site

Dear Ms. Loftin:

This office represent Los Angeles By-Products Co., a California corporation. On behalf of our client, we submit the following issues and comments that should be addressed by EPA during the Public Comment Period with regard to the Focused Feasibility Study for the North Hollywood Operable Unit superfund Site ("FFS").

It should be noted that counsel has not fully completed its investigation and study of the FFS. All of the issues presented herein are based only upon such information and documents which are presently available to and specifically known to counsel and disclose only those issues which presently occur to this responding party. It is anticipated that further collection of data and further independent investigation will supply additional facts which will in turn clarify and add meaning to known facts, as well as to establish entirely new theories and factual matters, all of which will lead to substantial additions to, changes in, and variations from the matters herein set forth herein. The following response is given without prejudice to this party's right to introduce any additional or subsequently discovered defense, theory, fact or facts. This party accordingly reserves the right to revise the statements contained herein as additional facts are ascertained, analyses are made, research is completed and contentions are made. However, for the purposes of making a good faith effort to comply with the restrictive Public Comment Period, our client has filed this response.

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These matters are raised solely for the purpose of response during the Public Comment Period for the FFS. Each comment is given subject to all appropriate objections if this matter is subsequently the subject matter of litigation (including, but not limited to, objections concerning competency, relevancy, materiality, privilege, and admissibility) which would require the exclusion of any statement contained herein as if it were made by a witness present and testifying in court. All such objections and grounds therefore are reserved and may be interposed at time of trial. Except for the facts explicitly admitted herein, no admission of any nature whatsoever is to be implied or inferred. The fact that any comment herein has been made should not be taken as an admission of any facts assumed by such comment.

We will present these issues in two parts as general and specific comments with respect to the landfills. Los Angeles By-Products Co. reserves its right to object to any aspects of the FFS at any time during its implementation. We further reserve the right, as attorneys for Los Angeles By-Products Co., and on behalf of our technical consultants, to supplement our client's critique of this feasibility study. These comments include but are not limited to the following.

General Comments:

- 1. To deepen the wells to 425 feet deep will draw down contamination deeper into the aquifer.
- 2. The FFS alternative 4 remedy only targets containment and not source control.
- 3. The FFS alternative 4 does not address other wellfields besides Rinaldi Toluca.
- 4. The FFS alternative 4 plan will horizontally and vertically spread plume contamination.
- 5. EPA's FFS does not take into account the natural chrome already in existence at the NHOU.
- 6. EPA has failed to state the basis or rational for the chrome 6 standard employed in the FFS.
- 7. The number of wells needed and the rational for these wells has not been established.
- 8. How does alternative 4 assist LADWP in producing more water from the San Fernando Valley?
- 9. How does alternative 4 comply with LADWP 97.005 regulations?
- 10. How will EPA secure permits from the South Coast Air Quality Management?
- 11. The costs for the proposed remedy are not broken down sufficiently despite its being 85 pages long.
- 12. The costs estimate ranges of +50 to -30 percent are excessive, without foundation and generally unconscionable.
- 13. The FFS gives alternative 1a, a meets criteria best grade for compliance with applicable or relevant and appropriate requirements and short term effectiveness. Based on the flaws and costs of alternative 4a and 4b, how does EPA justify not employing 1a.
- 14. Given the exorbitant costs of alternative 4a and 4b, how does EPA justify its lack of investigation re: other potentially responsible parties (PRP's) and merely allocate a responsibility to nine PRP's.
- 15. EPA's FFS refers to alternative 4a and 4b as another Interim Remedy. Does EPA plan other Interim Remedies during this period? Does EPA have any plans for Final Remedy?

Specific scientific comments are as follows:

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1. The figures used to graphically present the extent of groundwater contamination do not present a true picture of the extent or areas of current groundwater contamination or groundwater contamination at any specific point in time.

For example, the legend for Figure 1-3, TCE concentration in shallow-zone groundwater, states: "3. Areas of contamination are based on the most recent record available for wells sampled." A review of Appendix A to the FFS, Summary of Recent Analytical Data (January 2003 through December 2007), shows that many sample dates for trichloroethylene are from 2003 and 2004. Correlating these data and assigning them equal weight with data from the end of 2007 does not present a true or realistic picture of groundwater quality due to possible groundwater flow variations in the aquifers over the span of up to four years.

Additionally, Figure 2-2, Maximum Concentration of TCE and PCE in Groundwater Depth Region 1, uses the maximum concentration of TCE and PCE detected from January 2003 through December 2007. During such an extensive period, groundwater concentrations would be expected to fluctuate. In reviewing Appendix A, between 2003 and 2007 there is an order of magnitude difference in the TCE concentrations, for example. This is not technically justifiable as it presents a biased view of the plume. It is presented to cover a larger area than may currently exist. The data used to generate maps for the FFS should be for a more recent and limited time period to accurately reflect current groundwater quality.

- 2. The TCE/PCE 5 μ g/l concentration contour is inaccurately placed with regard to Penrose Well MW-4927. Figure 2-2 shows the well to be within the 5 μ g/l contour line when the concentration shown on the figure indicates that the concentration is 1.8 μ g/l PCE. Figure 2-2 should be revised to reflect these data.
- 3. The plume drawings for the extent of the contamination are not supported by the number of sampling points and are only a "best guess" estimation by the computer program used to draw the plume maps.

As shown on Figure 2-2, Hewitt monitoring wells 4909F and 4909C are very close to one another. However, the contours drawn to the north, northeast, west and south are based on only two data points more than 2,000 and 3,000 feet away.

The 1,4-dioxane concentration line on Figure 2-8 for the Landfills is shown as a long, narrow, elongated rectangle which never occurs in the natural environment. This concentration line cannot be supported by the data, is not technically defensible and should be removed from the figure.

A disclaimer should be added to the figures stating that the plumes are computer generated and may not reflect the actual extent of TCE/PCE concentrations in the subsurface.

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- 4. The VOC and Chromium Target Volumes shown on Figure 4-1 is a depiction of the area that will be the focus of the remediation scheme proposed in the FFS. This capture zone does not include the Landfills. Additionally, the FFS flow lines also indicate that groundwater from the Landfills will not be captured or treated in the remedy proposed by the FFS.
- 5. While the Hewitt Pit is shown to be within the Chromium and VOC Target Volumes, the flow-line figures do not indicate that groundwater in this area will be captured or treated by the activities proposed in the FFS.
- 6. The FFS presents data that TCE and PCE are present under the Landfills and the Hewitt Pit, with 1,4-dioxane only found in the area of the Landfills. The California Regional Water Quality Control Board has been aware of these concentrations for decades in the case of TCE and PCE, and since 2007 for the 1,4-dioxane, without requiring additional monitoring or remediation. The FFS does not mention this fact and does not allow for natural attenuation or dilution that must take place in the travel distance before the water from under the landfill reaches the VOC target zone.
- 7. The FFS proposes to install two new monitoring wells (Figure 2-14 as identified on Table 2-1) to help define the plume from the Penrose Landfill. The proposed location for these wells is over 2,500 feet from the southern boundary of the Landfills and cross gradient to the plume drawn by the EPA on Figure 2-2. The intervening distance between the Landfills and the proposed landfill monitoring wells is quite large and in an urban area. Numerous industrial properties with contamination may exist. Any contamination found in the new wells cannot be attributed to Penrose since the new wells are cross gradient to Penrose and are at a great distance from Penrose.
- 8. EPA's "Double Barrier" for Treatment of VOCs is Not Needed. Since the existing air stripper system delivers water with satisfactory VOC concentrations to the LADWP, it is not necessary to treat all the pumped ground water a second time by passing treated water through granular activated charcoal (the so-called "double barrier"). EPA's Alternatives 2, 3, 4 and 5 all contemplate adding additional air strippers to improve the removal of VOCs. EPAs proposal to add further treatment by liquid-phase granular activated charcoal is redundant and very expensive. The "double barrier" for treatment is not identified as an Applicable or Relevant and Appropriate Requirement (ARAR) in the discussion of ARARs in the FFS.
- 9. The 5ug/l Target for Chromium is Not an ARAR. Page ES-9 of the Executive Summary states "For this FFS, a target concentration for capture and treatment of hexavalent and total chromium of 5ug/l is assumed in anticipation of the issuance of a significantly lower state MCL for hexavalent chromium." An MCL that might be issued someday and then again might not be issued does not have the status of an Applicable or Relevant and Appropriate Requirement under CERCLA. Given the difference in toxicity of trivalent and hexavalent

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chromium, the FFS provides inadequate justification for targeting ground water with a total chromium concentration of 5ug/l as if it was all hexavalent chromium. Even if the MCL for hexavalent chromium actually was 5ug/l, adopting as a goal the containment of the ground water plume using a target concentration of 5ug/l for total chromium would likely result in an overestimate of the volume of ground water requiring treatment. An overestimate of the volume of contaminated ground water directly affects EPAs estimate of the cost of remedial alternatives since a significant fraction of the cost, such as that for LPGAC treatment, is proportional to the amount of contaminated ground water to be treated.

- 10. EPA Did Not Consider Chemical Attenuation, Degradation, and Dilution in its Ground-Water Simulation. The attenuation of chromium concentrations in ground water by naturally-occurring processes in the vicinity of Honeywell is obvious in the data presented in the FFS or there would be a long plume of chromium-contaminated ground water emanating from the site. The primary VOCs of concern in the North Hollywood Operable Unit are TCE and PCE (page 2-2 of FFS). PCE and TCE are subject to natural biodegradation and dilution as they migrate through the subsurface. Failure to consider processes which operate to cleanup ground water before it is pumped from the ground is likely to result in an overestimate of the amount of ground water that needs to be treated. This is likely to result in an inaccurate estimate of pumping and treatment costs. It is also likely to give the EPA cause to seek cost reimbursement from parties with low levels of contamination that will clean up naturally and whose contamination will not be treated by the North Hollywood remedial systems. Chemical attenuation, degradation, and dilution should be incorporated in EPAs ground-water simulation for the Focused Feasibility Study.
- 11. The landfills did not contribute to the chromium contamination that is addressed in the FFS. The chromium in ground water detected in samples of ground water near the landfills occurs at very low concentrations and is subject to active processes of attenuation by adsorption and, possibly, precipitation as it migrates though the subsurface. The EPA's own map does not show that the chromium in ground water in the vicinity of the landfills is connected to the chromium in ground water near the Honeywell site. Based on the concentration of chromium in ground water near the landfills, the characteristics of the aquifer in the San Fernando Valley, the transport characteristics of the chromium, and the distance to be travelled (over a mile), there is no reason to believe that the chromium will ever migrate to the North Hollywood well field for treatment. The landfills are not in the EPA's "target zone" for remediation of chromium in the North Hollywood Operable Unit.
- 12. The landfills did not contribute to the VOC contamination that is addressed in the FFS. The VOCs in ground water detected in samples of ground water near the landfills occur at very low concentrations and are subject to active processes of attenuation by adsorption and biodegradation as it migrates through the subsurface. The EPA's own maps do not show that the VOCs in ground water in the vicinity of the landfills are connected to the VOCs in ground water in the Honeywell-Lockheed areas. Based on the concentrations of VOCs in ground water near the landfills, the characteristics of the aquifer in the San Fernando Valley,

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the transport characteristics of the VOCs, and the distance to be travelled (over a mile), there is no reason to believe that the VOCs will ever migrate to the North Hollywood well field for treatment. The landfills are not in the EPA's "target zone" for remediation of VOCs in the North Hollywood Operable Unit.

Thank you for your attention to this matter. We await your response.

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